

Message Text

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ACTION EB-08

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E.O. 11652: N/A
TAGS: BTRA, EIND, YO
SUBJECT: DRUG TRADEMARK ISSUE: A REVIEW OF DEVELOPMENTS

REF: A) STATE 141309, B) BELGRADE 4031

SUMMARY: TRADEMARK PROVISION OF DRUG MARKETING LAW HAS BEEN REFERRED TO A COMMITTEE OF THE NATIONAL ASSEMBLY FOR FURTHER STUDY AND POSSIBLE REVISION OR DELETION. YUGOSLAV DRUG FIRMS CONTINUE TO PRESS FOR IMPLEMENTATION OF EXISTING PROVISION THOUGH, ACCORDING TO U.S. DRUG REPS, LESS ENTHUSIASTICALLY THAN BEFORE. NO U.S. OR FOREIGN DRUG FIRM IS KNOWN TO HAVE CONCEDED TO DEMANDS OF YUGOSLAV DRUG ENTERPRISES FOR TRANSFER OF TRADEMARK RIGHTS. END SUMMARY.

1. POST HAS LEARNED FROM SWISS EMBASSY THAT ARTICLE 27(5) TRADEMARK PROVISION, IS NOW UNDER STUDY BY A COMMITTEE OF THE NATIONAL ASSEMBLY TO DETERMINE WHETHER IT SHOULD BE REVISED OR DELETED. ON JULY 27 SWISS AMBASSADOR WAS SUCCESSFUL IN OBTAINING AN APPOINTMENT WITH THE PRESIDENT OF THE FEDERAL COMMITTEE FOR HEALTH AND SOCIAL PROTECTION WHO MADE THIS REVELATION. PRESIDENT IS ALSO REPORTED TO HAVE SAID THAT ARTICLE 27(5) WAS INSERTED
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IN THE DRAFT LAW IN THE FINAL PHASE OF ITS DEBATE IN THE ASSEMBLY. (RUMOR IN DIPLOMATIC CIRCLES HAS IT THAT THE PHARMACEUTICAL ENTERPRISE KRK IN SLOVENIA WAS THE PRIME MOVER BEHIND THIS PROVISION.) THE LEGISLATIVE COMMITTEE STUDING THIS MATTER IS NOT EXPECTED TO ISSUE A REPORT UNTIL LATE IN THE YEAR.

2. IN RECENT WEEKS POST WAS VISITED BY REPRESENTATIVES OF SEARLE, ABBOTT LABORATORIES, AND ELI LILLY TO DISCUSS NEW DEVELOPMENTS ON THE TRADEMARK ISSUE. REPRESENTATIVES NOTED THAT THEIR YUGOSLAV PARTNERS WERE CONTINUING TO PRESS FOR TRADEMARK RIGHTS ON DRUGS PRODUCED UNDER LICENSE THOUGH WITH LESS ENTHUSIASM THAN IN PAST. THEY SAID THAT PRESENTLY THEIR FIRMS ARE TAKING THE POSITION WITH THEIR YUGOSLAV PARTNERS THAT TRANSFER OF TRADEMARK RIGHTS OR THE CREATION OF YUGOSLAV TRADEMARKS FOR DRUGS PRODUCED UNDER LICENSE IS NOT NEGOTIABLE. THE EMBASSY KNOWS OF NO U.M.S. OR WESTERN EUROPEAN FIRMS WHICH HAVE COMPLIED WITH THE REQUEST FOR TRADEMARK RIGHTS.

3. IN RECENT LETTER TO ECON/COMMERCIAL OFFICER LANDAU OF JOHNSON AND JOHNSON BROUGHT TO EMBASSY'S ATTENTION ANOTHER POSSIBLE TRADEMARK PROBLEM WHICH WE ARE CHECKING OUT. LANDAU MAINTAINS THAT YUGOSLAVS ARE DISCRIMINATING AGAINST FOREIGN FIRMS WHICH APPLY FOR REGISTRATION OF DRUG TRADEMARKS. APPLICATIONS OF FOREIGN FIRMS REPORTSULY TAKE TWO YEARS OR MORE TO BE PROCESSED WHILE THOSE FROM YUGOSLAV ENTERPRISES ARE ACTED UPON IN SEVERAL WEEKS.

4. PER DEPARTMENT'S REQUEST IN REFTEL (A) EMBASSY IS FORWARDING COPY OF DRAFT LONG TERM COOPERATION LAW IN SERBO CROATIAN AND ENGLISH TRANSLATION OF ARTICLES LIMITED OFFICIAL USE

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DEALING WITH TRADEMARKS. THIS DRAFT IS FIVE TO SIX MONTHS OLD AND WE HAVE NOT BEEN ABLE TO ASCERTAIN WHETHER THE SAME ARTICLES ON TRADEMARKS APPEAR IN SUBSEQUENT VERSIONS THAT HAVE BEEN REVIEWED BY THE LEGISLATURE. EAGLEBURGER

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